

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4106/1dn
JEO:jlg:km

December 28, 1999

Jason:

Please review this draft carefully to make sure that it does what you want it to do.

Note that the draft covers only surveillance devices, as that is defined in proposed s. 943.80 (1) (a). This is because my notes from our telephone conversations referred only to such devices. However, while surveillance devices may have been the focus of our initial discussions, it may be that my notes don't accurately reflect all of your concerns and that you also want to cover other security devices, such as alarms of various kinds. If so, please let me know and I will redraft the proposal to cover any other security devices that you want to include.

In addition, proposed s. 943.80 (3) (b) is drafted so that simple tampering without trying to conceal any criminal activity (which is punishable under proposed s. 943.80 (3) (a)) will be an included offense (that is, a person can't be punished under both proposed s. 943.80 (3) (a) *and* (b)). In addition, proposed s. 943.80 (3) (b) is drafted so that a person can be punished both under that paragraph *and* for the other crime that he or she was trying to conceal (assuming that they actually committed or attempted to commit the other crime). Okay?

Also, note that the draft includes an affirmative defense for tampering with a surveillance device that has been installed or used in violation of s. 942.08 (2), stats. Okay?

Finally, the treatment of the various subchapter titles to ch. 943 is technical and simply conforms the titles to current drafting style. The treatment effects no substantive change.

Please let me know if you have any questions or changes.

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